

AO 91 (Rev. 11/11) Criminal Complaint	AUSA: Susan E. Fairchild	Telephone: (313) 226-9577
Officer:	Hector Rivera	Telephone: (313) 568-6049

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Roberto JIMENEZ GALLEGOS

Case: 2:23-mj-30458

Assigned To : Unassigned

Assign. Date : 11/17/2023

Case No.

Description: RE: ROBERTO
JIMENEZ GALLEGOS (EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 14, 2023 in the county of Monroe in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 8, United States Code, Section 1326(a),(b)(1)	Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

On or about November 14, 2023, in the Eastern District of Michigan, Southern Division, Roberto JIMENEZ GALLEGOS, an alien from Mexico, who had previously been convicted of a felony offense, was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about August 4, 2020, at or near Hidalgo Texas and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326 (a), (b)(1).

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: November 17, 2023

City and state: Detroit, MI



Complainant's signature

Hector Rivera, Deportation Officer

Printed name and title



Judge's signature

David R. Grand, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Hector Rivera, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security, having served with ICE since February 2007. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers and record checks of law enforcement databases. I have also reviewed relevant immigration records relating to Roberto JIMENEZ GALLEGOS, which reveal the following:
2. Roberto JIMENEZ GALLEGOS is a forty-five-year-old citizen and a native of Mexico who last entered the United States on an unknown date, at an unknown place, without inspection by the U.S. Department of Homeland Security.
3. On May 8, 2002, the 1st District Court in Monroe, Michigan convicted JIMENEZ GALLEGOS of Operating Impaired and sentenced to 90 days in jail, 6 months' probation, and fines, costs, and restitution in the amount of \$740.
4. On September 1, 2005, Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) in Detroit, Michigan arrested JIMENEZ GALLEGOS. JIMENEZ GALLEGOS agreed to a Stipulated Removal Order. On September 9, 2005, the Immigration Judge in Detroit, Michigan signed the Stipulated Removal. On September 19, 2005, ICE ERO removed JIMENEZ GALLEGOS via the Laredo, Texas port of entry.
5. On November 25, 2006, the United States Border Patrol (USBP) in Trenton, Michigan arrested JIMENEZ GALLEGOS and served him with an I-871 Notice of Intent to Reinstate Prior Order. On December 4, 2006, ICE removed JIMENEZ GALLEGOS via the Brownsville, Texas port of entry.
6. On September 15, 2016, ICE ERO in Detroit, Michigan arrested JIMENEZ GALLEGOS and served him with an I-871 Notice of Intent to Reinstate Prior Order. On September 22, 2016, ICE removed JIMENEZ GALLEGOS via the Brownsville, Texas port of entry.

7. On April 1, 2020, the Monroe Police Department arrested JIMENEZ GALLEGOS on assault charges. The Monroe Police Department subsequently transferred JIMENEZ-GALLEGOS over to ICE ERO custody pending local charges. On the same date, ICE ERO in Detroit, Michigan served JIMENEZ GALLEGOS with an I-871 Notice of Intent to Reinstate Prior Order.
8. On June 23, 2020, the United States District Court in the Eastern District of Michigan convicted JIMENEZ GALLEGOS for 8 USC §1326(a) Unlawful Re-Entry After Removal from the United States and sentenced JIMENEZ GALLEGOS to time served.
9. On August 4, 2020, ICE removed JIMENEZ GALLEGOS via the Hidalgo, Texas port of entry.
10. On February 11, 2023, the Monroe Sheriff Department arrested JIMENEZ GALLEGOS for Operating While Intoxicated, case is still pending with the 1st District Court in Monroe, Michigan.
11. On July 31, 2023, the 1st District Court in Monroe, Michigan convicted JIMENEZ GALLEGOS (deferred under the Domestic Violence Act) for the offense of Domestic Violence, stemming from the April 1, 2020 arrest by the Monroe Police Department and sentenced him to nine months' probation, and fines, costs and restitution in the amount of \$790.
12. On November 14, 2023, ICE ERO traveled to the area of E. Second Street and Washington Street in Monroe, Michigan in search of a previous removed non-citizen, Roberto JIMENEZ GALLEGOS. At approximately 9:00 a.m., ICE Officers observed a Hispanic male matching the description of JIMENEZ GALLEGOS with a Hispanic female enter the establishment. At approximately 10:05 a.m., ICE Officers observed the same Hispanic male matching the description of JIMENEZ GALLEGOS with the Hispanic female exit the establishment and enter a silver Chevrolet Cruze bearing Michigan license plate DAP797, a vehicle known to be driven by JIMENEZ GALLEGOS. ICE Officers conducted a vehicle stop at or near Elm Avenue and Hollywood Drive in Monroe, Michigan. The driver verbally identified himself as JIMENEZ GALLEGOS and provided a Mexican National Identification card verifying his identity. ICE Officers arrested, detained, and transported JIMENEZ GALLEGOS to the Detroit ICE Field Office for processing. An ICE/FBI systems check revealed a positive fingerprint match

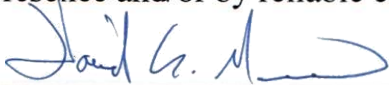
for Roberto JIMENEZ GALLEGOS, DOB: XXXX1977, AXXX XXX 816, a previously removed non-citizen.

13. The aforementioned detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any non-citizen entering or attempting to enter the United States, or any non-citizen present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of non-citizens.
14. On or about November 14, 2023, ICE Officers reviewed immigration file records and Department of Homeland Security electronic records, which revealed that Roberto JIMENEZ GALLEGOS, AXXX XXX 816, did not obtain the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States.
15. Based on the above information, I believe there is probable cause to conclude that Roberto JIMENEZ GALLEGOS, is a non-citizen, who had previously been convicted of a felony offense and who was found in or reentered the United States after deportation or removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security, all in violation of Title 8, United States Code, Section 1326(a), (b)(1).



Hector Rivera, Deportation Officer
Immigration and Customs Enforcement

Sworn to before me and signed in my
presence and/or by reliable electronic means.



David R. Grand
United States Magistrate Judge

November 17, 2023